**IN THE UNITED STATE PATENT AND TRADEMARK OFFICE**
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

| | |
|---|---|
| **In re application of:** | **Zhong Zhun** |
| **For:** | **METHOD TO ACHIEVE FAST ACTIVE SCAN IN 802.11 WLAN** |
| **Serial No.** | **10/564,654** |
| **Filed** | **January 13, 2006** |
| **Art Unit** | **2617** |
| **Examiner** | **Meless Zewdu** |
| **Attorney Docket No.** | **US030235** |
| **Confirmation No.** | **1567** |

# APPEAL BRIEF

*ON APPEAL FROM GROUP ART UNIT 2617*

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted both in response to the Notice of Appeal filed March 12, 2010 and to the final Office Action dated December 15, 2009.

TABLE OF CONTENTS

## I. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., the assignee of record, whose assignment is recorded in the USPTO as of January 13, 2006 on two (2) pages beginning at Reel 017473, Frame 0163.

## II. RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any pending appeals, judicial proceedings, or interferences which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

## III. STATUS OF CLAIMS

The status of the claims in the present application is provided immediately below as follows:

a) Claims 1, 3-13, 15-17, and 19-24 are pending in this application.
b) Claim 13 is allowed.
c) Claims 1, 3-12, 15-17, and 19-24 stand rejected in a final Office Action dated December 15, 2009, and are the subject of this appeal.
d) Claims 1, 11, 13, 15, 17, and 23 are independent claims.
e) Claims 2, 14, and 18 were previously canceled without prejudice.
f) Claims 4-8, 10, 12, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.
g) Claims 1, 4-7, and 11-13 are objected to because of informalities. These objections will be addressed subsequent to the Appeal proceedings.

## IV. STATUS OF AMENDMENTS

The claims listed in Section VIII, Claims Appendix, of this Appeal Brief correspond to the claims as submitted in Appellant's captioned "*Amendment and Response*" filed September 28, 2009, where claim amendments were submitted and entered. All amendments filed in this application have been entered and there are none pending.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

It should be explicitly noted that it is not Appellant's intention that the currently claimed or described embodiments be limited solely to operation within the illustrative embodiments identified below. Furthermore, citations to exemplary descriptions of illustrative embodiments are provided below in association with portions of the claims, which are related to the identified illustrative embodiments, entirely for compliance with, and in satisfaction of, the requirements for filing this appeal. There is no intention to read any further interpreted limitations into the claims as presented. Moreover, it will be appreciated that additional exemplary descriptions, though not cited herein, may be present in this patent application.

The claimed invention, as recited in claim 1, is directed to a method for fast active scanning (*specification at page 5, lines 19-20*) on a wireless local area network (WLAN) (*page 7, lines 2-3*) between a mobile station (STA) and at least one Access Point (AP) (*page 7, lines 14-18*) comprising: sending a probe request message by an STA over a particular channel having a particular Access Point in communication with the STA *(figure 3 and page 8, lines 2-4*); receiving by the particular Access Point the probe request message sent by the STA (*figure 3, page 4, lines 10-12 and page 8, lines 19-21*); sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel (*figure 4, page 7, lines 4-7, page 9 lines 5-8, and page 9 lines 13-15*); and sending by the particular Access Point a probe response message to the STA in response to the probe request message after the PIFS without the particular Access Point performing a backoff interval (*page 7, lines 8-20*).

The claimed invention, as recited in claim 11, is directed to a method for fast active scanning (*specification at page 5, lines 19-20*) in a wireless local area network (WLAN) (*page 7, lines 2-3*) between a mobile station (STA) and at least one Access Point (AP) (*page 7, lines 14-18*) comprising: sending a probe request message comprising a uni-cast message by an STA on the particular channel having at least one Access Point in communication with the STA (*page 3, lines 23-25, page 7, lines 9-11, and page 10 lines 2*); receiving by a particular Access Point the probe request message sent by the STA (*figure 3, page 4, lines 10-12 and page 8, lines 19-21*); preparing a probe response message by

the particular Access Point (*page 5, lines 22-26, page 7, lines 4-7, and page 8 lines 11-14*); sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel (*figure 4, page 7, lines 4-7, page 9 lines 5-8, and page 9 lines 13-15*); and sending by the particular Access Point a probe response message to the STA in response to the probe request message without the particular Access Point performing a backoff interval (*page 7, lines 8-20*).

The claimed invention, as recited in claim 15, is directed to an Access Point in a wireless local network (WLAN) (*page 7, lines 2-3*) that provides priority to facilitate a handoff of a station between one or more Access Points (*page 7, lines 14-20*), comprising: a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel (*page 9 lines 13-15)*; an interframe communication sensing unit sensing a point coordination interframe space (PIFS) on the particular communication channel (*figure 4, page 7, lines 4-7, page 9 lines 5-8, and page 9 lines 13-15)*; and probe response sending means sending the probe response message after the PIFS sensed by the interframe communication sensing unit without performing a backoff interval (*page 7, lines 8-20*).

The claimed invention, as recited in claim 17, is directed to a fast active scanning system (*specification at page 5, lines 19-20*) on a wireless local area network (*page 7, lines 2-3*) between a first station and at least one second station (*page 7, lines 14-18*) comprising: a first station sending a probe request message over a particular channel having a particular second station in communication with the first station *(figure 3 and page 8, lines 2-4*); means for receiving by said particular second station the probe request message sent by the first station (*figure 3, page 4, lines 10-12 and page 8, lines 19-21*), said means includes sensing by said particular second station a point coordination function interframe space of the particular channel (*figure 4, page 7, lines 4-7, page 9 lines 5-8, and page 9 lines 13-15*); and said particular second station sending a probe response message to the first station in response to the probe request message after the point coordination function interframe space is sensed without performing a backoff interval (*page 7, lines 8-20*).

The claimed invention, as recited in claim 23, is directed to a first station in a

wireless local network (*page 7, lines 2-3*) that provides priority to facilitate a handoff between one or more second stations (*page 7, lines 14-20*), comprising: a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel (*page 9 lines 13-15)*; an interframe communication sensing unit sensing a point coordination interframe space on the particular communication channel (*figure 4, page 7, lines 4-7, page 9 lines 5-8, and page 9 lines 13-15)*; and probe response sending means for sending a probe response message after the point coordination function interframe space sensed by the interframe communication sensing unit without performing a backoff interval (*page 7, lines 8-20*).

## VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Certain art-based rejections for this application are based on the following references: U.S. Patent No. 7,031,336 to Scherzer ("*Scherzer*"); and U.S. Patent Application Publication No. 2006/0111103 to Jeong et al. ("*Jeong*").

The ground of rejection for this application for which review is sought in this appeal is presented below as follows:

1. Whether claims 1, 3-12, 15-17, and 19-24 are properly rejected by the USPTO under 35 U.S.C. §103(a) as being unpatentable over Scherzer in view of Jeong.

## VII. ARGUMENT

Appellant respectfully traverses the rejections in accordance with the detailed arguments set forth below.

### 1. CLAIMS 1, 3-12, 15-17, AND 19-24 ARE IMPROPERLY REJECTED BY THE USPTO UNDER 35 U.S.C. §103(a) AS UNPATENTABLE OVER SCHERZER IN VIEW OF JEONG.

### A. Claim 1

Claim 1 is an independent claim that serves as a base claim for claims 3-10. Claim 1 requires:

> *A method for fast active scanning on a wireless local area network (WLAN) between a mobile station (STA) and at least one Access Point (AP) comprising:*
> *sending a probe request message by an STA over a particular channel having a particular Access Point in communication with the STA;*
> *receiving by the particular Access Point the probe request message sent by the STA;*
> *sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel; and*
> ***sending by the particular Access Point a probe response message to the STA in response to the probe request message after the PIFS without the particular Access Point performing a backoff interval****.*
> *[Emphasis added].*

On page 4 of the final Office Action the Examiner admits that Jeong does not teach Appellant's claimed "without the particular Access Point performing a backoff interval," and relies on Scherzer as teaching such requirements. In the Response to Arguments section on pages 7-8 the Examiner asserts that Scherzer at column 1 line 66 – column 2 line 14 teaches Appellant's claimed feature (directed to Appellant's claim 15 and applied to independent claim 1). The Examiner maintains that the Point Coordinate Function (PCF), which allegedly acts to ensure contention-free (CF) service, is the same as Appellant's claimed "without the particular Access Point performing a backoff interval." Therefore, the

Examiner concludes that it would have been obvious for one of ordinary skill in the art to combine Jeong and Scherzer for the benefit of ensuring contention free service. Appellant respectfully traverses this rejection.

Appellant respectfully maintains that the combination of Jeong and Scherzer do not disclose, teach, or suggest, appellant's claimed "*sending by the particular Access Point a probe response message to the STA in response to the probe request message after the PIFS without the particular Access Point performing a backoff interval*."

Scherzer at column 1 line 66-column 2 line 14 presents PCF as an alternative form of medium access control to be applied in certain cases instead of Distributed Coordination Function (DCF).

Scherzer makes clear at col. 2, lines 10-14 that the PC expects a response within a short inter-frame space (SIFS), which is shorter than a priority inter-frame space (PIFS).

In contrast, appellant claims "after the PIFS without the particular Access Point performing a backoff interval." Since Scherzer expects the response within a SIFS interval, which is shorter than a PIFS interval, Scherzer clearly teaches away from appellant's claimed "sending… after the PIFS without the particular Access Point performing a backoff interval." One of ordinary skill in the art would not be able to make such a combination of Jeong and Scherzer to arrive at appellant's claimed invention.

Furthermore, Jeong paragraph 12 describes that a PIFS is only used to gain priority access to a channel at the start of a contended free period and that the PIFS is longer than a SIFS gap. Paragraph 11 also indicates that SIFS is the shortest gap. Therefore, the combination of references fails to teach or suggest each and every feature recited in claim 1 and in fact teaches away from appellant's claimed invention.

Even assuming the Examiner's argument that the contention-free service is the same as "without performing a back-off interval," an assumption appellant does not admit to nor agree with, Scherzer suggests to one ordinarily skilled in the art that in the contention-free service the PC expects a response within a short inter-frame space (SIFS), which is shorter than a priority inter-frame space (PIFS). Thus, the contention-free service requires a response within a SIFS interval. This is clearly different from the claimed invention, as pointed out above.

Therefore, the combination of Scherzer and Jeong fails to disclose all the limitations of Appellant's independent claim 1 and would not even suggest the claimed invention to one of ordinary skill in the art.

For at least the reasons set forth above, it is submitted that claim 1 is patentable over the combination of Scherzer and Jeong. Therefore, it is respectfully requested that the Board reverse this rejection.

**B. Claim 11**

Claim 11 is an independent claim from which claim 12 depends. Claim 11 calls for:

> *A method for fast active scanning in a wireless local area network (WLAN) between a mobile station (STA) and at least one Access Point (AP) comprising:*
>
> *sending a probe request message comprising a uni-cast message by an STA on the particular channel having at least one Access Point in communication with the STA;*
>
> *receiving by a particular Access Point the probe request message sent by the STA;*
>
> *preparing a probe response message by the particular Access Point;*
>
> *sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel; and*
>
> ***sending by the particular Access Point a probe response message to the STA in response to the probe request message without the particular Access Point performing a backoff interval****.*
>
> *[Emphasis added].*

Claim 11 relates to sending a probe request message comprising a uni-cast message by an STA, however, in the final Office Action the Examiner rejects this claim using substantially the same arguments as used for claim 1.

Appellant respectfully maintains that Scherzer's PCF does not disclose, teach, or suggest, "without the particular Access Point performing a backoff interval." Scherzer at column 1 line 66-column 2 line 14 presents PCF as an alternative form of medium access control to be applied in certain cases instead of Distributed Coordination Function (DCF). In Scherzer's discussion, PCF specifies the use of specific stations in Access Points (AP),

denoted as Point Coordinators (PC), which act to ensure contention-free (CF) service. However, nowhere does Scherzer suggest or disclose that the PC sends the probe response message to the STA without the particular PC performing a backoff interval. Thus, the combination of Scherzer and Jeong fails to disclose or suggest all the limitations of Appellant's independent claim 11.

Furthermore, it is submitted that the limitations of independent claim 11 would not have been obvious to a person of ordinary skill in the art upon a reading of Scherzer and Jeong. Although Scherzer may disclose contention-free service, wherein a PC sends a polling frame to an STA that has requested contention-free service, neither Jeong nor Scherzer suggests that contention-free service is equivalent to the claimed "without the particular Access Point performing a backoff interval."

On page 8 of the final Office Action the Examiner simply provides a conclusory statement that one of ordinary skill in the art would understand the equivalency. However, the Examiner is required under KSR and the MPEP to provide supporting evidence. KSR requires that an Examiner provide "some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." (KSR Opinion at p. 14). An Examiner must "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does," (KSR Opinion at p. 15). And, the Examiner must make "explicit" this rationale of "the apparent reason to combine the known elements in the fashion claimed," including a detailed explanation of "the effects of demands known to the design community or present in the marketplace" and "the background knowledge possessed by a person having ordinary skill in the art." (KSR Opinion at p. 14). Anything less than such an explicit analysis may not be sufficient to support a prima facie case of obviousness.

Therefore, the limitations of independent claim 1 would not have been obvious to a person of ordinary skill in the art based upon a reading of Scherzer and Jeong, either separately or in combination. It is respectfully requested that the Board reverse this rejection of claim 11.

**C. Claim 15**

Claim 15 is an independent claim from which claim 16 depends. Claim 15 calls for:

> *An Access Point in a wireless local network (WLAN) that provides priority to facilitate a handoff of a station between one or more Access Points, comprising:*
> *a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel;*
> *an interframe communication sensing unit sensing a point coordination interframe space (PIFS) on the particular communication channel; and*
> ***probe response sending means sending the probe response message after the PIFS sensed by the interframe communication sensing unit without performing a backoff interval.***
> *[Emphasis added].*

Claim 15 relates to an Access Point in a wireless local network (WLAN) that provides priority to facilitate a handoff of a station between one or more Access Points, however, in the final Office Action the Examiner rejects this claim using substantially the same arguments as for claim 1.

In view of the final Office Action using the same arguments as in claim 1, Appellant essentially repeats the argument from claim 1 above and applies them to the specific features and interpretation of claim 15 without any loss of generality or limitation. It is respectfully submitted that the combination of Scherzer and Jeong does not disclose or suggest all the features of claim 15. Furthermore, the limitations of independent claim 15 would not have been obvious to a person of ordinary skill in the art based upon a reading of Scherzer and Jeong, either separately or in combination. Therefore, it is respectfully requested that the Board reverse this rejection of claim 15.

**D. Claim 17**

Claim 17 is an independent claim from which claims 19-22 depend. Claim 17 calls for:

> *A fast active scanning system on a wireless local area network between a first station and at least one second station comprising:*

> *a first station sending a probe request message over a particular channel having a particular second station in communication with the first station;*
>
> *means for receiving by said particular second station the probe request message sent by the first station, said means includes sensing by said particular second station a point coordination function interframe space of the particular channel; and*
>
> ***said particular second station sending a probe response message to the first station in response to the probe request message after the point coordination function interframe space is sensed without performing a backoff interval.***
>
> *[Emphasis added].*

Claim 17 relates to a fast active scanning system on a wireless local area network between a first station and at least one second station, however, in the final Office Action the Examiner rejects this claim using substantially the same arguments as for claim 1.

In view of the final Office Action using the same arguments as in claim 1, Appellant essentially repeats the argument from claim 1 above and applies them to the specific features and interpretation of claim 17 without any loss of generality or limitation. It is respectfully submitted that the combination of Scherzer and Jeong does not disclose or suggest all the features of claim 17. Furthermore, the limitations of independent claim 17 would not have been obvious to a person of ordinary skill in the art based upon a reading of Scherzer and Jeong, either separately or in combination. Therefore, it is respectfully requested that the Board reverse this rejection of claim 17.

## E. Claim 23

Claim 23 is an independent claim from which claim 24 depends. Claim 23 calls for:

> *A first station in a wireless local network that provides priority to facilitate a handoff between one or more second stations, comprising:*
>
> *a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel;*
>
> *an interframe communication sensing unit sensing a point coordination interframe space on the particular communication channel; and*

> ***probe response sending means for sending a probe response message after the point coordination function interframe space sensed by the interframe communication sensing unit without performing a backoff interval.***
> *[Emphasis added].*

Claim 23 relates to a first station in a wireless local network that provides priority to facilitate a handoff between one or more second stations, however, in the final Office Action the Examiner rejects this claim using substantially the same arguments as for claim 1.

In view of the final Office Action using the same arguments as in claim 1, Appellant essentially repeats the argument from claim 1 above and applies them to the specific features and interpretation of claim 23 without any loss of generality or limitation. It is respectfully submitted that the combination of Scherzer and Jeong does not disclose or suggest all the features of claim 23. Furthermore, the limitations of independent claim 23 would not have been obvious to a person of ordinary skill in the art based upon a reading of Scherzer and Jeong, either separately or in combination. Therefore, it is respectfully requested that the Board reverse this rejection of claim 23.

**F. Dependent Claims 3-10, 12, 16, 19-22, and 24**

Claims 3-10, 12, 16, 19-22, and 24 depend from an independent base claim and includes all the features of their respective independent base claim including all the particular features discussed immediately above. In view of this dependence and for the sake of brevity in this brief, Appellant essentially repeats the above arguments for each of dependent claims 3-10, 12, 16, 19-22, and 24, respectively.

Thus, it is submitted that claims 3-10, 12, 16, 19-22, and 24 are allowable at least by virtue of their dependency from an allowable base claim and because each claim recites further distinguishing features thereover. It is respectfully requested that the Board reverse the rejection of dependent claims 3-10, 12, 16, 19-22, and 24 under 35 U.S.C. §103.

## Conclusion

In light of the above, Appellant respectfully submits that the rejections of claims 1, 3-12, 15-17, and 19-24 are in error, legally and factually, and must be reversed.

Respectfully submitted,

By: /Brian S. Myers/
Brian S. Myers
Attorney for Appellant
Reg. No. 46,947
973-401-7157

## VIII. CLAIMS APPENDIX

1.(previously presented) A method for fast active scanning on a wireless local area network (WLAN) between a mobile station (STA) and at least one Access Point (AP) comprising:

sending a probe request message by an STA over a particular channel having a particular Access Point in communication with the STA;

receiving by the particular Access Point the probe request message sent by the STA;

sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel; and

sending by the particular Access Point a probe response message to the STA in response to the probe request message after the PIFS without the particular Access Point performing a backoff interval.

2.(canceled)

3.(previously presented) The method according to claim 1, wherein the probe request message is a uni-cast message to the particular Access Point.

4.(previously presented) The method according to claim 1, wherein if the STA does not receive a probe response message within a predetermined time period, the STA senses a distributed coordination function interframe space period (DIFS) interframe space, wherein the STA selects and implements a backoff interval prior to broadcasting the probe request message on the particular channel to all available Access Points.

5.(previously presented) The method according to claim 1, wherein if the STA does not receive a probe response message within a predetermined time period, the STA senses a distributed coordination function interframe space period (DIFS) interframe space, wherein the STA selects and implements a backoff interval prior to broadcasting the probe

request message on a channel different than the particular channel.

6.(previously presented) The method according to claim 1, wherein if the STA does not receive a probe response message within a predetermined time period, the STA selects another Access Point on the particular channel and senses a distributed coordination function interframe space period (DIFS) interframe space, wherein the STA selects and implements a backoff interval prior to sending another probe request message that comprises a uni-cast message.

7.(previously presented) The method according to claim 1, wherein if the STA does not receive a probe response message within a predetermined time period, the STA selects another Access Point on a different channel and senses a distributed coordination function interframe space period (DIFS) interframe space, wherein the STA selects and implements a backoff interval prior to sending another probe request message that is a uni-cast message.

8.(previously presented) The method according to claim 4, wherein said backoff interval having a range of (0, CW), where CW denotes a Contention Window.

9.(previously presented) The method according to claim 3, wherein only the particular Access Point transmits after the PIFS interframe in response to receiving the uni-cast probe request message from an STA.

10.(previously presented) The method according to claim 1, further comprising:

acknowledging receipt of a probe response message by the STA in response to the probe request message; and

continuing a hand-off function by the STA with the particular Access Point.

11.(previously presented) A method for fast active scanning in a wireless local area network (WLAN) between a mobile station (STA) and at least one Access Point (AP)

comprising:

sending a probe request message comprising a uni-cast message by an STA on the particular channel having at least one Access Point in communication with the STA;

receiving by a particular Access Point the probe request message sent by the STA;

preparing a probe response message by the particular Access Point;

sensing by the particular Access Point a point coordination function interframe space (PIFS) of the particular channel; and

sending by the particular Access Point a probe response message to the STA in response to the probe request message without the particular Access Point performing a backoff interval.

12.(previously presented) The method according to claim 11, wherein if a predetermined time period passes without a response from the particular Access Point, after sensing a distributed coordination function interframe space period (DIFS) interframe space, the STA selects and implements a backoff interval prior to broadcasting a probe request message on the particular channel.

13.(previously presented) A method for providing handoffs by fast active scanning on a wireless local area network (WLAN) between a mobile station associated with a first Access Point to a new Access Point, said method comprising:

sensing, by the mobile station, for a distributed coordination function interframe space period (DIFS) of a particular channel;

sending a probe request message by the mobile station throughout the particular channel having at least one new Access Point ;

receiving by said at least one new Access Point the probe request message sent by the mobile station;

preparing a probe response message by the new Access Point;

sensing by the new Access Point a point coordination function interframe space (PIFS) of the particular channel;

sending by said new Access Point a probe response message to the mobile station

in response to the probe request message without performing a backoff interval; and

said the mobile station authenticating and re-associating with said new Access Point, followed by the mobile station being handed-off to said new Access Point.

14.(canceled)

15.(previously presented) An Access Point in a wireless local network (WLAN) that provides priority to facilitate a handoff of a station between one or more Access Points, comprising:

a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel;

an interframe communication sensing unit sensing a point coordination interframe space (PIFS) on the particular communication channel; and

probe response sending means sending the probe response message after the PIFS sensed by the interframe communication sensing unit without performing a backoff interval.

16.(previously presented) The Access Point according to claim 15, wherein the interframe communication sensing unit and the probe response means sense a distributed coordination function (DCF) interframe space period (DIFS) of a particular channel and respond to probe requests with non-unicast destination addresses after the DIFS and backoff interval.

17.(previously presented) A fast active scanning system on a wireless local area network between a first station and at least one second station comprising:

a first station sending a probe request message over a particular channel having a particular second station in communication with the first station;

means for receiving by said particular second station the probe request message sent by the first station, said means includes sensing by said particular second station a point coordination function interframe space of the particular channel; and

said particular second station sending a probe response message to the first station

in response to the probe request message after the point coordination function interframe space is sensed without performing a backoff interval.

18.(canceled)

19.(previously presented) The system according to claim 17, wherein the probe request message sent by the first station comprises a uni-cast message to the particular second station.

20.(previously presented) The system according to claim 17, wherein if a probe response message from the particular second station is not received within a predetermined time period, the first station senses a distributed coordination function interframe space period, and the first station selects and implements a backoff interval prior to broadcasting a probe request message on the particular channel to all available second stations.

21.(previously presented) The system according to claim 17, wherein if the first station does not receive a probe response message from the particular second station within a predetermined time period, the first station senses a distributed coordination function interframe space period, and the first station selects and implements a backoff interval prior to broadcasting a probe request message on a channel different than the particular channel.

22.(previously presented) The system according to claim 17, wherein if the first station does not receive a probe response message from the particular second station within a predetermined time period, the first station selects another second station on the particular channel and senses a distributed coordination function interframe space period, and the first station selects and implements a backoff interval prior to sending another probe request message that comprises a uni-cast message.

23.(previously presented) A first station in a wireless local network that provides priority to facilitate a handoff between one or more second stations, comprising:

a probe request sensing unit sensing when a probe request message has been sent on a particular communication channel;

an interframe communication sensing unit sensing a point coordination interframe space on the particular communication channel; and

probe response sending means for sending a probe response message after the point coordination function interframe space sensed by the interframe communication sensing unit without performing a backoff interval.

24.(previously presented) The first station according to claim 23, wherein the interframe communication sensing unit and the probe response sending means sense a distributed coordination function interframe space period of a particular channel and respond to probe requests with non-unicast destination addresses after the distributed coordination function interframe space period and backoff interval.

## IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to §§ **1.130**, **1.131**, or **1.132** of this title. No other evidence has been entered by the Examiner and/or relied upon by Appellant in this appeal, at this time.

## X. RELATED PROCEEDINGS APPENDIX

Appellant is not aware of any appeals or interferences related to the present application.